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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,823

04/17/2006

Takeshi Suzuki

8003-1040

1712

466 7590 03/05/2009
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EXAMINER

KRAUSE, ANDREW E

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

03/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,823	Applicant(s) SUZUKI ET AL.	
	Examiner ANDREW KRAUSE	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/26/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In light of the amendments to the specification and abstract, the objections in the office action dated 8/4/08 have been overcome.

Amended claim 1 is pending. Claims 2-5 have been cancelled.

Response to Arguments

1. Applicant's arguments see p. 9, paragraph 5, filed 11/26/08, with respect to 35 USC §112, second paragraph rejection of claim 1 have been fully considered and are persuasive. The 35 USC §112, second paragraph rejection of claim 1 has been withdrawn.

2. Applicant's arguments with respect to the claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation 'configured to show'; however it is unclear what is meant by 'configured'.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe(JP 2-57339 A, translation) in view of Hamano (JP 11-157007, machine translation, Derwent abstract).

1. Watanabe discloses a laminated metallic sheet for use in cans, wherein the polyester resin used is a copolyester obtained from 50-95 mol% terephthalic acid, 5-50 mol% isophthalic acid and ethylene glycol ('glycols with 2-5 carbons') (claims of human translation, p. 2 (p.11 in IFW document)), and thus containing about 50% by mole or more of a ethylene terephthalate component, and further heat treating the copolyester film at 210 C (human translation, p. 8 (17 in IFW document), full paragraphs 1 and 2). The heat treatment is not explicitly disclosed to be baking print or baking finish. However, Hamano discloses heat treating metallic sheets for use in cans, wherein the heat treatment is baking finish (see section [0005], [0012] or baking print (see section [0005],[0021], [0022]) for the purpose of improving the durability of the laminated metal sheet (see sections [0005], [0012], [0021], [0022] and Derwent abstract).

7. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Watanabe with the use of a baking finish or baking print as the heat

treatment as taught by Hamano because these treatments improve the crack resistance of the film (see section [0001] of Hamano).

8. The laminated metallic sheet for use in cans disclosed by the combination of Watanabe and Hamano has a copolyester film structure meeting the limitations of the instantly claimed structure, and is subjected to the claimed heat treatment of baking finish or baking print. Although Watanabe and Hamano do not determine the Raman spectra of the laminated metallic sheet, the structure will intrinsically be configured to show about 22 to about 25 cm^{-1} of half value width of shift peak caused by C=O stretching vibration stretching in the Raman spectra, using linear polarization of laser light, on the surface of the film of the laminated metallic sheet, since the film of Watanabe and Hamano has the same structure and is subjected to the same heat treatment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KRAUSE whose telephone number is (571)270-7094. The examiner can normally be reached on 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571)272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANDREW KRAUSE/
Examiner, Art Unit 1794

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794